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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,920	07/25/2003	Kenji Asakura	10873.1278US01	5397

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EXAMINER

LEUNG, PHILIP H

ART UNIT PAPER NUMBER

3742

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,920

Applicant(s)

ASAKURA ET AL.

Examiner

Philip H Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) 5, 6 and 11-17 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 7-10 and 18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12222003
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election without traverse of Figures 1-8, claims 1-4, 7-10 and 18 in the 8-3-2004 response is acknowledged.
2. Claims 5, 6 and 11-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title should reflect the use of induction heating.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Okabayashi et al (US 6,037,576).

The claims do not define over Okabayashi as the claimed limitation "heat generation suppressing unit that suppresses heat generation of the heat generating member by regulating the magnetic flux generated by the excitation unit, wherein the heat generation suppressing unit

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suppresses heat generation of the heat generating member in a region corresponding to a region including at least a center portion of the body to be heated in a width direction" reads on a power controller which controls the power supply to the induction coil. When the power level to the induction heating coil (2) is lowered by the power control switching device (Figure 2), the magnetic flux generated by the coil (20) is suppressed and the heat generation of the heat entire generating member (sleeve 5) is accordingly reduced, that is, the whole region of the sleeve heat generating member including the claimed at least center portion to be heated (see all Figures, the abstract and col. 4, line 3 – col. 7, line 25).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 1-4, 7-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asakura et al (WO 02/29498), in view of Kato (JP 10-74009).

Asakura shows an image heating device comprising: a conductive heat generating member (1) that transfers heat directly or indirectly to a body to be heated that is allowed to travel while carrying an image; an excitation unit (coil 3 and core 4 with plural core elements 5, 6) that is provided close to the heat generating member and generates magnetic flux so as to cause the heat generating member to generate heat by electromagnetic induction; and a heat generation suppressing unit (loop coils 7) that suppresses heat generation of the heat generating member by regulating the magnetic flux generated by the excitation unit, wherein the heat generation suppressing unit suppresses heat generation of the heat generating member (see all the Figures and the English abstract). Therefore, Asakura shows every feature and structure except for the explicitly specify in the Abstract that the heat suppressing region to include at least a center portion of the body to be heated in a width direction. Kato discloses an induction image fixing device with the use of a magnetic flux shielding device 31 which can be moved by a displacing means 40 so that the magnetic flux can be selectively blocked at a desired region according the heating requirement (see all Figures and the English abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Asakura to position the suppressing unit at a proper location including the center region if the paper width is small and placed on one edge of the roller to limit the heating for better heating efficiency and better image fixing result, in view of the teaching of Kato.

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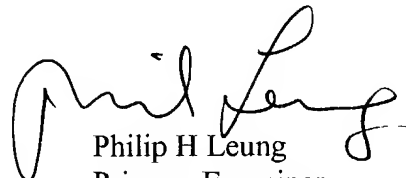
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki (US 6,373,036) and Uehara et al (US 6,483,088) are further cited to show induction image fixing device with similar claimed features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (703) 308-1710.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
9-03-2004